

REMARKS

This Application has been carefully reviewed in light of the Final Office Action. Applicant appreciates the Examiner's consideration of the Application. In order to advance prosecution of this Application, Applicant has responded to each notation by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Amendments

Claims 1, 8, 15, 21-22, 25, and 32 have been amended to clarify, more particularly point out, and more distinctly claim inventive concepts previously present in these claims. Applicant makes no admission that these amendments narrow the scope of the claims or that the amendments are required for patentability. Applicant respectfully submits that no new matter has been added by the amendments to the claims.

Applicant believes that the amendments place the case in condition for allowance or in better condition for appeal, do not raise an issue of new matter, and do not present new issues requiring further consideration or search. Accordingly, Applicants respectfully request that the Examiner enter the amendments.

Section 103 Rejection

The Examiner rejects Claims 1-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,542,602 to Elazar ("Elazar") in view of U.S. Patent No. 6,363,145 to Shaffer et al. ("Shaffer"). Applicant respectfully traverses this rejection for the reasons discussed below.

Applicant respectfully submits that the combination of *Elazar* and *Shaffer* as proposed by the Examiner fails to disclose, teach, or suggest the elements specifically recited in the claims. For example, the *Elazar-Shaffer* combination fails to disclose, teach, or suggest "determining a base value from the monitored signal characteristic, the base value representing a typical value for the monitored signal characteristic, the base value defining a threshold range," recited in Claim 1, as amended.

The Examiner admits that *Elazar* fails to provide such teaching. (Final Office Action, page 3, paragraph 2.) Moreover, *Shaffer* fails to provide such teaching. *Shaffer* discloses a method and system for call monitoring where a voice data pattern of call is compared to thresholds configured prior to the call. According to *Shaffer*:

Referring to FIGS. 2 and 3, a method for automated silent call monitoring includes the step 34 of configuring call performance profiles. Each call performance profile includes a voice data pattern which is descriptive of a characteristic of poor agent service during an ACD call with a customer, and at least one corresponding voice data pattern threshold which represents the maximum number of times the voice data pattern may be detected within a predetermined time interval before a notification procedure will be executed.

(*Shaffer*, column 6, line 66-column 7, line 7.)

In step 38, a first call is established between a first ACD agent terminal 10 and a customer phone 20. A DSP 22 monitors the first call in step 40 to detect any of the voice data patterns and in step 42, the DSP records detected voice data patterns into memory 26. In step 44, a comparison processor 30 determines whether the number of recorded voice data pattern detections for any of the voice data patterns exceeds a threshold.

(*Shaffer*, column 7, lines 25-32.) Example comparisons are presented in the passages (*Shaffer*, column 7, lines 25-32) cited by the Examiner. (Final Office Action, page 3, paragraph 3.)

That is, according to *Shaffer*, call performance profiles that include voice data pattern thresholds are configured. Next, a call is established and monitored. Then, voice data patterns are compared to the thresholds. Thus, in *Shaffer*, ***the threshold is determined prior to establishing and monitoring the call.*** Accordingly, *Shaffer* fails to disclose, or even teach or suggest ***determining a base value from the monitored signal characteristic,*** the base value representing a typical value for the monitored signal characteristic, the base value defining a threshold range.

For at least these reasons, *Shaffer*, even in light of *Elazar*, fails to disclose, teach, or suggest the elements specifically recited in independent Claim 1.

The dependent claims are allowable based on their dependence on the independent claim and further because they recite numerous additional patentable distinctions over the reference of the rejection. Because Applicant believes he has amply demonstrated the allowability of the independent claim over the reference of the rejection, and to avoid burdening the record, Applicant has not provided detailed remarks concerning these dependent claims. Applicant, however, remains ready to provide such remarks if it becomes appropriate to do so.

Independent Claims 8, 15, 21, 22, 25, and 32 recite certain limitations substantially similar to those recited in independent Claim 1. Accordingly, for at least the same reasons,

Applicant also respectfully requests reconsideration and allowance of independent Claims 8, 15, 21, 22, 25, and 32, together with their dependent claims, and independent Claim 32.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Keiko Ichiye, the Attorney for Applicant, at the Examiner's convenience at (214) 953-6494.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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